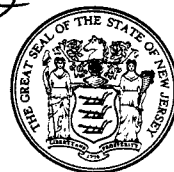




STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)

960352-DEP1



PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1126		Application No.	
Issuance Date APR 02 2003	Effective Date APR 02 2003	Expiration Date APR 02 2005	
Name and Address of Applicant NJDOT 1035 Parkway Ave. P.O. Box 600 Trenton, NJ 08625		Name and Address of Owner	Name and Address of Operator
Location of Activity/Facility (Street Address) Lot _____ Block _____		Issuing Division Natural and Historic Resources Engineering & Construction	Statute(s) NJSA-58:4-1 et seq.
Type of Permit Dam		Maximum Approved Capacity, if applicable	

This permit grants permission to:

Rehabilitate the Malaga Lake Dam across Scotland Run in the Township of Franklin,
Gloucester County, New Jersey. PROJECT IS SHOWN ON APPROVED DRAWINGS LISTED
ON PAGES 5, 6 and 7 OF THIS PERMIT.

Prepared by: John C. Ritchey
John C. Ritchey

See page 7 for signature

PROJECT MANAGEMENT
RECEIVED
APR 04 2003

Revised Date	Approved by the Department of Environmental Protection		
	Name (Print or Type) _____	Title _____	
	Signature _____	Date _____	

* The word permit means "approval, certification, registration, etc."

(General Conditions are on the Reverse Side)

TERMS AND CONDITIONS

1. Application for approval of plans and permit was filed on March 17, 2003 and was accompanied by the following supplementary papers as part thereof:
 - A. Dam Rehabilitation Drainage Report
 - B. Soil Erosion and Sediment Control Report
 - C. Structural Calculations
 - D. Construction Plans and Specifications
2. This permit shall be **RECORDED** in the office of the **COUNTY CLERK** (the **REGISTRAR OF DEEDS AND MORTGAGES** in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Dam Safety Section (Section) immediately thereafter.
3. The action of the Section in approving this application and issuing the permit shall not relieve the party constructing the works hereby approved from the responsibility for damage caused by such works; nor does the Section accept responsibility for the structural design.
4. The work shall at all times be subject to supervision and inspection by representatives of the Section.
5. No changes in the plans and specifications as approved shall be made except with written consent of the Section. The Section however, reserves the right to require such changes or modifications in the plans and specifications as may be considered necessary in the interest of public safety.
6. A formal construction inspection program (program) shall be required for all permitted construction activities. A copy of the program description is to be submitted and approved by the Section prior to the commencement of construction. The program description shall contain detailed information including but not limited to the following items:
 - A. Organization chart of the construction inspection force.

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- B. Number and specialties of inspectors proposed. Information submitted with this item, or item above, should include the number of inspectors proposed for each feature of construction. Where full-time inspection is not proposed, the schedule for part-time inspection should be described.
- C. Duties, responsibilities, necessary qualifications, and scope of authority of the inspection staff members. This information should be supplemented on a continuing basis by submittal of qualifications of the personnel actually employed.
- D. Field tests to be performed and frequency of testing.
- E. Field laboratory facilities to be provided.
- F. Planned use of commercial testing services.
- G. Planned use of consultants during construction.
- H. Schedule of construction, showing all major features of construction.
- I. Erosion Control and Other Environmental Measures.
- J. Inspection and monitoring of erosion control and other measures that are required for the protection of the environmental integrity of streams and other areas affected by construction.

The information provided should be in sufficient detail to enable the Section to assure that the proposed program provides adequate construction quality control. Some items, such as safety requirements and special construction techniques, including a water diversion plan; underground and surface excavation; and production and placement of reinforced concrete work may be included in the contract specifications. If not, these items, especially those that may involve the safety of personnel during construction, should be detailed in the inspection program.

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7. All on-site construction activities shall be performed under the direct supervision of a professional engineer, licensed in the State of New Jersey and experienced in the design and construction of dams. The Section will not accept an inspection program that provides for quality control to be administered or performed by the contractor.
8. The professional engineer responsible for inspecting the construction shall submit a report on the status of construction to the Section on the first day of each month until the work has been completed.
9. A construction notice on a prescribed form shall be prepared and submitted to the Section two weeks prior to construction beginning. No material shall be placed on any portion of the foundation of the embankment or spillway until such portion of the foundation has been approved in writing by a representative of the Section.
10. The work shall be started within one (1) year from the date of this permit and completed within two (2) years from said date, otherwise, this permit, if not previously revoked or specifically extended, shall cease and be null and void.
11. A copy of the dam permit and one set of drawings and specifications approved by the Section must be available at the project site during construction.
12. All construction activities must be undertaken in accordance with N.J.A.C. 7:20-1.10 of the Dam Safety Standards entitled: "Construction."
13. All construction work on the lands encompassed within this dam permit shall be **STABILIZED** in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" (obtainable from local Soil Conservation District Offices), or equal engineering specifications, so as to prevent eroded soil therefrom entering the waterway at any time during and after construction.
14. This permit **DOES NOT GIVE ANY PROPERTY RIGHTS**, in either real or personal property or material, nor any exclusive privileges; neither does it authorize any injury to private property, nor invasion of private rights, nor any infringement of Federal, State or local laws or regulations; nor does it waive the obtaining of Federal or other State or local government consent when necessary. **THIS PERMIT IS NOT VALID AND NO WORK SHALL BE UNDERTAKEN UNTIL SUCH TIME AS ALL OTHER REQUIRED APPROVALS AND PERMITS HAVE BEEN OBTAINED.**

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15. No trees or brush shall be allowed to grow on the dam structure and, the dam embankment, spillway and appurtenances shall be maintained as described on the approved drawings.
16. After the construction of the dam has been completed, inspection reports shall be submitted to the Section in accordance with N.J.A.C. 7:20-1.11 of the Dam Safety Standards entitled: "Dam operating requirements and inspections, new and existing dams."
17. No flashboards or other obstruction shall be placed or permitted to remain on the crest of the spillway.
18. A complete set of 'as-built' designs, plans and specifications must be submitted to the Section upon completion of the project.
19. The professional engineer who has inspected the construction shall submit a written certification on the prescribed form that the structure has been constructed in conformance with the approved drawings and specifications.
20. In order to protect the spawning of pickerel and warm water fish, a time restriction from April 1 through June 30 is imposed on any in-stream/bank activity which may generate sediment.
21. Precautions must be taken to prevent raw concrete from coming in contact with the waters of Malaga Lake or Scotland Run. Raw concrete is toxic to aquatic biota.
22. NJDOT will be responsible for the installation of a fish ladder at the site at the time that downstream blockages are removed.
23. An Emergency Action Plan and Operation and Maintenance Manual must be submitted within ninety (90) days from the date of this permit.
24. The drawings hereby approved with this permit are thirty-two (32) sheets prepared by McCormick Taylor and Associates, Inc., undated, unrevised, entitled:

"U.S. ROUTE 40 MALAGA LAKE DAM",

"CONSTRUCTION PLANS" sheet Nos C-2 to C-5 of C-5

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“CROSS SECTIONS”, sheet Nos. X-1 to X-8 of X-9,

“CONSTRUCTION DETAILS”, sheet Nos. CD-1 and CD-2 of CD-2,

“U.S. ROUTE 40, MALAGA LAKE DAM FRANKLIN TOWNSHIP,
GLOUCESTER COUNTY”,

“GENERAL PLAN”, sheet No. B2 of B24,

“ELEVATIONS AND SECTIONS”, sheet No. 3 of 24,

“STRUCTURAL REMOVAL PLAN, PLAN ELEVATION & SECTION”,
sheet No. B4 of B24,

“STAKE-OUT PLAN/OGEE GEOMETRY”, sheet No. B5 of B24,

“CONCRETE REPAIRS 1”, sheet No. B6 of 24,

“CONCRETE REPAIRS 2”, sheet No. B7 of B24,

“PILE LAYOUT PLAN”, sheet No. B10 of B24,

“PILE FOUNDATION DATA”, sheet No. B11 of B24,

“WALL PLAN”, sheet No. B12 of B24,

“OGEE DETAILS”, sheet No. B13 of B24,

“SLAB DETAILS”, sheet No. B14 of B24,

“WALL A EXTENSION DETAILS”, sheet No. B15 of B24,

“WALL B EXTENSION DETAILS”, sheet No. B16 of B24,

“WALLS F AND G DETAILS”, sheet No. B17 of B24,

“WALL I AND H DETAILS”, sheet No. B18 of B24,

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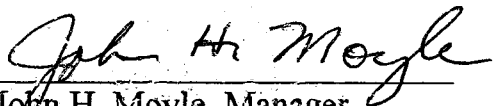
“WALL J DETAILS”, sheet No. B19 of B24,

“WALL L DETAILS”, sheet No. B20 of B24,

“MISCELLANEOUS DETAILS 2”, sheet No. B24 of B24,

and specifications prepared by McCormick and Taylor Associates, dated March 5, 2003, unrevised, entitled:

“U.S. ROUTE 40 – MALAGA DAM ROADWAY RECONSTRUCTION AND NEW SPILLWAY CONTRACT NO. 264960352 SPECIAL PROVISIONS”.



John H. Moyle, Manager

Bureau of Dam Safety and Flood Control

4/2/03

Date